farmer was omitting a class subject to the same temptations to combine for these purposes as any other class, and thus there was no reasonable basis for such a discrimination. Yet this stand is subject to the criticisms that appear in Mr. Justice McKenna's dissenting opinion in that case, in which he takes the view that the legislature has a wide range of discretion in the matter of classification, and that there is no evidence in the case to show that there was not a valid reason for legislating against combinations in the hands of traders, persons, and corporations, and exempting producers. *The American Sugar Ref. Co.* v. *Louisiana,* 179 U. S. 89, 21 Sup. Ct. 43, seems authority for such a classification, despite the fact that it is distinguished in the *Connolly* case, for, in the *Sugar Refining Company* case a certain tax is imposed upon the manufacturers of sugar and not upon the growers of that article, while in the principal case certain conduct is merely penalized as to certain classes in which farmers and associations of farmers are not included. Other grounds for regarding this a supportable classification appear in the fact that the aim of the Lever Act as a whole was to aid the production of necessities. That the legislature saw fit to exempt farmers from the section punishing monopolies, combinations in restraint of transportation, profiteering, etc., indicates that the legislators evidently considered that the danger of such evils was not so great in the case of this particular class of producers and that they considered that the need for farm products was so great as to warrant encouraging farmers to the extent of allowing them a free hand in the means that they might take to strengthen their position. Certainly there are distinct differences in the situation of the farming class, and it seems that the legislature might be left to determine the relation of these differences to the acts declared invalid. In analogous cases similar exemptions have not been regarded as arbitrary, though class distinctions are scarcely as marked as in the principal case. In *State* v. *McKay,* 137 Tenn. 280, 193 S. W. 99, certain restrictions placed upon the seller of seeds were not applied to the farmer vendor in certain kinds of sales, and this was held not a violation of the "equal protection" clause of the Constitution because such sales were probably less open to the practice of deception. Whether the dangers of combines and conspiracies on the part of farmers to raise prices are proportionately more in the principal case than danger of deception in the case just mentioned seems doubtful. In *St. John* v. *New York,* 201 U. S. 518, 30 Sup. Ct. 443, the non-producing vendor of milk was made liable by statute to certain fines and penalties to which the producing vendor was not liable on a showing that the milk was in the same condition as at the time when it had left the herd. Whether there is a more valid distinction between such classes and those established by the Lever act in the present case is open to question.

CONSTITUTIONAL LAW—POWER OF LEGISLATURE TO REGULATE RENTAL RATES.—In an action by a landlord to recover possession the tenant relied upon the Ball Rent Law passed by Congress for the regulation of the busi-

ness of renting property in the District of Columbia. *Held*, that the Rent Law was invalid, inasmuch as there is no devotion of rented property to a "public use." *Hirsh* v. *Block* (C. C. A., D. C., 1920), 267 Fed. 614.

In the exercise of its police power a state may regulate rates charged in businesses "affected with a public interest." *Munn* v. *Illinois*, 94 U. S. 113: *Budd* v. *New York*, 143 U. S. 517; *Brass* v. *North Dakota*, 153 U. S. 391; *German Alliance Insurance Co.* v. *Lewis*, 233 U. S. 389. Congress possesses all the police power within the District of Columbia that a state legislature has within its state. *Washington Terminal Co.* v. *District of Columbia*, 36 App. D. C. 186, 191; *District of Columbia* v. *Brooke*, 214 U. S. 147, 149. The majority of the court in the principal case refused to differentiate between a "public interest" and a "public use," and explained *Munn* v. *Illinois, supra*, as based upon the fact that the owner of the grain elevator in that case had devoted it to a public use in handling grain for the public generally. The dissenting opinion in the principal case points out that the argument was advanced in the *Munn* case and its successors that the owners of the property in question were private individuals, doing a private business without any privilege or monopoly granted to them by the state; yet it was held that their property was affected with a "public interest." Against these considerations "the court opposed the ever existing police power in government and its necessary exercise for the public good, and declared its entire accommodation to the limitations of the Constitution." *German Alliance Insurance Co.* v. *Lewis, supra*. In the case last mentioned the business of fire insurance was held to be affected with a "public interest" and subject to regulation. See 28 HARV. L. REV. 84 for a discussion of this case. The idea that a "public interest" is synonymous with a "public use" has been advocated in every case from *Munn* v. *Illinois* to the *German Alliance* case, and has found favor only in the dissenting opinions. In the exercise of the war-power Congress regulated prices of necessaries, yet even the war-power can touch only "business affected with a public interest," and clearly there was no devotion of property to a "public use." See *Weed & Co.* v. *Lockwood*, 266 Fed. 785. Whether or not Congress is justified in declaring the rent business affected with a public interest under the conditions prevailing in the District of Columbia, it seems clear that the statute cannot be disposed of by a conclusion that there is no "public use" involved. For a more extended discussion as to the scope of the phrase "businesses affected with a public interest," see 19 MICH. L. REV. 74.

CONSTITUTIONAL LAW—REPEAL OF TAX EXEMPTION AS IMPAIRMENT OF CONTRACT.—Under a New York statute of 1853 (Laws of 1853, c. 462) the relator's property was exempt from taxation above the value of $30,000. This statute was repealed by an act of 1909 (Acts of 1909, c. 201), and thereafter the assessors of the City of Troy placed a value of one million dollars upon the relator's property, upon which valuation city taxes were assessed. In an action to set aside the taxes so assessed, the relator claims that the repeal of the act of 1853 effected an impairment of his contract, embodied